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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,302	07/20/2006	Albert David Friesen	12695.0015USWO	6457
23552	7590	09/17/2008	EXAMINER	
MERCHANT & GOULD PC			SIMMONS, CHRIS E	
P.O. BOX 2903				
MINNEAPOLIS, MN 55402-0903			ART UNIT	PAPER NUMBER
			1612	
			MAIL DATE	DELIVERY MODE
			09/17/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10551302	7/20/2006	FRIESEN, ALBERT DAVID	12695.0015USWO

EXAMINER

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CHRIS E. SIMMONS

ART UNIT	PAPER
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1612 20080911

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Commissioner for Patents

Newly amended claim 1 and newly submitted claims 50-58 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the amendment now has claims directed to a method of decreasing levels of interleukin-6, whereas the prior claims were directed to a method for modulating cell death.

The examined invention and the newly added invention do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the common technical feature between the groups is not a special technical feature. The common technical feature is pyridoxal-5-phosphate. Pyridoxal-5-phosphate is already known in the art as being useful to treat cerebrovascular disease; for example, see U.S. 2001/0056081. Therefore the common technical feature is not Applicant's contribution over the prior art. Accordingly, the common technical feature is not a special technical feature. Thus, a restriction is proper.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 1 and 50-58 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRIS E. SIMMONS whose telephone number is (571)272-9065. The examiner can normally be reached on M-F from 8 to 5 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frederick Krass, can be reached at on (571)272-0580. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Frederick Krass/
Supervisory Patent Examiner, Art Unit 1612

/Chris E Simmons/
Examiner, Art Unit 1612